S/N 10/562,459 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elena Grossfeld et al.

Examiner: Unknown

Serial No.:

10/562,459

Group Art Unit: Unknown

Filed:

December 29, 2005

Docket: 2043.059US1

Title:

METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION

REQUESTS

RENEWED PETITION UNDER 37 C.F.R. 1.497(d)

MS PCT Office of PCT Legal Administration Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

In response to the Decision on Petition Under 37 C.F.R. § 1.497(d) mailed January 27, 2006 in the above-identified patent application, Applicants hereby request that the inventorship of the above-identified patent application, as set forth in International Application No. PCT/US2004/014997 filed May 12, 2004 and published as WO 2005/010650A2, be corrected from the joint inventorship of Elena Grossfeld, Surjatini Widjojo, Thorsten Lockert, Greg Seitz, James Barrese, Randy Wigginton and Chris Kasten to the joint inventorship of Elena Grossfeld, Surjatini Widjojo, Thorsten Lockert, Greg Seitz, Kenneth Randall Wigginton and Christopher J. Kasten.

This Request is accompanied by a Petition Under 37 C.F.R. § 1.182, a signed Statement of Kenneth Randall Wigginton, a signed Statement of Christopher J. Kasten, and a copy of an Assignment from the inventors to eBay, Inc. executed and recorded with the U.S. Patent Office on March 23, 2006. It is believed that no additional petition fee is required with this Renewed Petition Under 37 C.F.R. § 1.497(d).

RENEWED PETITION UNDER 37 C.F.R. 1.497(d)

Serial Number: 10/562,459

Filing Date: December 29, 2005

Title: METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION REQUESTS

Page 2 Dkt: 2043.059US1

Applicants believe that correction of the inventorship of the present application is now appropriate under 37 C.F.R. § 1.497(d), and that action is respectfully requested.

Respectfully submitted,

ELENA GROSSFELD ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

408-278-4046

Date 3/27/2006

Bv

Mark R Vatuone

Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this ______ day of March, 2006.

Peter Rebutton

Signature

Name

<u>S/N 10/562,459</u> <u>PATENT</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elena Grossfeld et al.

Examiner: Unknown

Serial No.:

10/562,459

Group Art Unit: Unknown

Filed:

December 29, 2005

Docket: 2043.059US1

Title:

METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION

REQUESTS

PETITION UNDER 37 C.F.R. § 1.182

MS PCT
Office of PCT Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Decision on Petition Under 37 C.F.R. § 1.497(d) and in compliance with 37 C.F.R. § 1.497(a)-(b), Applicants hereby request that Kenneth Randall Wigginton and Christopher J. Kasten be listed as inventors in U.S. Patent Application Serial No. 10/562,459.

International Application No. PCT/US2004/014997 filed May 12, 2004 and published as WO 2005/010650A2, lists "Randy" Wigginton and "Chris" Kasten as inventors. Applicants submit that Kenneth Randall Wigginton is the same individual listed as Randy Wigginton in the International Application and that Kenneth Randall Wigginton is his full, correct name. Similarly, Applicants submit that Christopher J. Kasten is the same individual listed as Chris Kasten in the International Application and that Christopher J. Kasten is his full, correct name.

This Petiton is accompanied by statements under 37 C.F.R. § 1.182 from Kenneth Randall Wigginton and Christopher J. Kasten verifying the facts set forth in this Petition. Additionally, the Commissioner is authorized to charge the requisite fee of \$400.00 set forth in 37 C.F.R. § 1.17(f) to Deposit Account 19-0743.

06/06/2003 (AMYYKE, 00000119 196/45 - 10062959 01 /051462 - 400560 Dw PETITION UNDER 37 C.F.R. §1.182

Serial Number: 10/562,459

Filing Date: December 29, 2005

Title: METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION REQUESTS

Page 2 Dkt: 2043.059US1

Applicants submit that the Declaration previously submitted in U.S. Application Serial No. 10/562,459 is now in compliance with 37 C.F.R. § 1.497(a)-(b) and correction of inventorship is respectfully requested.

Respectfully submitted,

ELENA GROSSFELD ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

408-278-4046

Date 3/27/2006

y _ mail

Mark R Vatuone Reg. No. 53,719

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Signature

S/N 10/562,459

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Elena Grossfeld et al.

Examiner: Unknown

Serial No.:

10/562,459

Group Art Unit: Unknown

Filed:

December 29, 2005

Docket: 2043.059US1

Title:

METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION

REQUESTS

STATEMENT OF KENNETH RANDALL WIGGINTON IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.182

MS PCT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

I, Kenneth Randall Wigginton, hereby state that I am a joint inventor of the subject matter of the above-identified application and of International Application No. PCT/US2004/014997 filed May 12, 2004 and published as WO 2005/010650A2, from which the above-identified application claims priority under 35 U.S.C. 365(c).

Through error which arose without any deceptive intent on my part, I was incorrectly listed as Randy Wigginton in International Application No. PCT/US2004/014997. My full and correct name, as set forth in the declaration I executed October 15, 2005 in the above-identified application, is Kenneth Randall Wigginton.

3/24/06

Date

Kenneth Randall Wigginto

S/N 10/562,459 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elena Grossfeld et al.

Examiner: Unknown

Serial No.:

10/562,459

Group Art Unit: Unknown

Filed:

December 29, 2005

Docket: 2043.059US1

Title:

METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION

REQUESTS

STATEMENT OF CHRISTOPHER J. KASTEN IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.182

MS PCT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

I, Christopher J. Kasten, hereby state that I am a joint inventor of the subject matter of the above-identified application and of International Application No. PCT/US2004/014997 filed May 12, 2004 and published as WO 2005/010650A2, from which the above-identified application claims priority under 35 U.S.C. 365(c).

Through error which arose without any deceptive intent on my part, I was incorrectly listed as Chris Kasten in International Application No. PCT/US2004/014997. My full and correct name, as set forth in the declaration I executed October 14, 2005 in the above-identified application, is Christopher J. Kasten.

3/23/2006

Christopher J Kasten

2001

TX REPORT ***********

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SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

P.O. Box 2938 Minneapolis, MN 55402

Telephone (612) 373-6900 Facsimile (612) 339-3061

FROM: Mark R. Vatuone

OUR REF: 2043.059US1

23 March 22, 2006

Time: (Minneapolis, Minn.)

TO:

Commissioner for Patents

Attn: Assignment Recordation Services

Patent Examining Corps

Facsimile Center

P.O. Box 1450

Alexandria, VA 22313-1450

FAX NUMBER <u>571-273-0140</u>

Documents Transmitted:

Assignment (7 pages), Assignment Recordation Form Cover Sheet (1 page), authorization to charge Deposit Account No. 19-0743 in the amount of \$40.00 to cover the Assignment Recording Fee.

Total pages of this transmission, including cover letter: (9 pgs) If you do NOT receive all of the pages described above, please telephone us at 612-373-6900 or fax us at 612-339-3061.

In re. Patent Application of: Elena Grossfeld et al.

Examiner: Unknown

Serial No.: 10/562,459

Group Art Unit: Unknown

Filed: December 29, 2005

Docket No.: 2043.059US1

Title: METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION REQUESTS

Please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

1

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

P.O. Box 2938 Minneapolis, MN 55402

23

Telephone (612) 373-6900

Facsimile (612) 339-3061

March 22, 2006

Time: 10.50 AM
(Minneapolis, Minn.)

COPY

TO:

Commissioner for Patents

Attn: Assignment Recordation Services

Patent Examining Corps

Facsimile Center P.O. Box 1450

Alexandria, VA 22313-1450

FAX NUMBER <u>571-273-0140</u>

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In re. Patent Application of: Elena Grossfeld et al.

Examiner: Unknown

Serial No.: 10/562,459

Group Art Unit: Unknown

Filed: December 29, 2005

Docket No.: 2043.059US1

Title: METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION REQUESTS

Please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Name: Mark R. Vatuone

Reg. No. 53,719

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

RECORDATION FORM COVER SHEET PATENTS ONLY

COPY

Atty Ref/Docket No.: 2043.059US1

Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: P	lease record the attached original documents or copy thereof.
Name of conveying party(ies):	2. Name and address of receiving party(ies):
Elena Grossfeld, Surjatini Widjojo, Thorsten Lockert, Greg Seitz, Kenneth Randall Wigginton and Christopher J. Kasten	Name: eBay Inc.
	Street Address: 2145 Hamilton Avenue
Additional name(s) of conveying party(ies) attached? []Yes [X]No	City: San Jose State: CA Zip: 95125 Additional name(s) & address(es) attached? []Yes [X]No
3. Nature of conveyance:	[] [-]
[X] Assignment [] Merger [] Security Agreement [] Change of Name [] Other	
Execution Date: <u>January 2, 2006, October 28, 2005,</u> <u>December 12, 2005, October 17, 2005, October 15, 2005,</u> <u>October 15, 2005</u>	
 Application number(s) or patent number(s): If this document is being filed together with a new application. A. Patent Application No.(s) Serial No. 10/562,459, filed December 29, 2005 	ion, the execution date of the application is: B. Patent No.(s)
Additional numbers attached? []Yes [X]No 5. Name and address of party to whom correspondence	6. Total number of applications and patents involved: 1
concerning document should be mailed:	
Name: Mark R. Vatuone	7. Total fee (37 CFR 3.41):\$ <u>40.00</u>
Address: Schwegman, Lundberg, Woessner & Kluth, P.A. P.O. Box 2938 Minneapolis, MN 55402	[]Enclosed [X]Authorized to be charged to deposit account
	8. Please charge any additional fees or credit any over payments to our Deposit account number:19-0743
DO NOT USE 7	THIS SPACE
9. Statement and signature.	
To the best of my knowledge and belief, the foregoing inforcopy of the original document.	mation is true and correct and any attached copy is a true
Mark R. Vatuone/Reg. No. 53,719	Wait K. Valuone 3/22/2006
Name of Person Signing Signate Total	number of pages including cover sheet: 8

Mail documents to be recorded with required cover sheet information to:

Mail Stop Assignment Recordation Services Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450



ASSIGNMENT

WHEREAS, We, Elena Grossfeld, residing at 737 Chemowa Ct., Sunnyvale, CA 94087, and Surjatini Widjojo, residing at 15880 Lomas Lane, Los Gatos, CA 95030, and Thorsten Lockert, residing at 1020 Glen Brook Avenue, San Jose, CA 95125, and Greg Seitz, residing at 13774 Melrose Place, Lake Oswego, OR 97035, and Kenneth Randall Wigginton, residing at 876 Franquette Ave., San Jose, CA 95125, and Christopher J. Kasten, residing at 10 Bascom Court, Sacramento, CA 95835, made certain new and useful inventions and improvements for which we filed an international patent on 12 May 2004, under International Application No. PCT/US2004/014997, which is entitled METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION REQUESTS;

AND WHEREAS, <u>eBay Inc.</u>, a corporation organized and existing under and by virtue of the laws of the State of <u>Delaware</u>, and having an office and place of business at <u>2145 Hamilton Avenue</u>, <u>San Jose</u>, <u>CA 95125</u> (hereinafter "Assignee"), is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW, THEREFORE, to all whom it may concern, be it known that for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, continuations-in-part, or renewals thereof, all Letters Patent which may be granted there from, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted there from; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

Docket No: 2043.059WO1 .
Serial Number : PCT/US2004/014997
Filing Date : 12 May 2004

Page 2 of 7

COPY

AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore, we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us and that full right to convey the same as herein expressed is possessed by us.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 2 day of Jamany, 2006.

Eleva Frossfeld

Elena Grossfeld

Docket No: 2043.059WO1 Serial Number : PCT/US2004/014997 Filing Date : 12 May 2004 Page 3 of 7

IN TESTIMONY WHEREOF, I have hereunto set my hand this

Lay of

, 2005:

以下の東山等の · 東京の方面の · 東京の方面の

Surjatini Widjojo/

Docket No: 2043.059WO1 Serial Number : PCT/US2004/014997 Filing Date : 12 May 2004 Page 4 of 7

IN TESTIMONY WHEREOF, I have hereunto set my hand this 12th day of 12th, 2005.

Thorsten Lockert

Docket No: 2043.059WOI Serial Number: PCT/US2004/014997 Filing Date: 12 May 2004 Page 3 of 7

IN TESTIMONY WHEREOF, I have hereunto set my hand this 17 day of Och. Ler, 200	05.
Dy DV	
Greg Seitz	

Docket No: 2043.059WO1 Serial Number : PCT/US2004/014997 Filing Date : 12 May 2004 Page 6 of 7

IN TESTIMONY WHEREOF, I have hereunto set my hand this 15th day of October, 2005.
3R Was
Kenneth R. Wigginton

Docket No: 2043.059WO1

Serial Number: PCT/US2004/014997

Filing Date: 12 May 2004 Page 7 of 7

COPY

IN TESTIMONY WHEREOF, I have hereunto sormy hand this 15 day of October

Christopher J. Kasten



United States Patent and Trademark Office

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY P.O. BOX 2938 MINNEAPOLIS MN 55402

In re Application of GROSSFELD et al.

Application No.: 10/562,459 **DECISION ON PETITION**

PCT No.: PCT/US04/14997

Int. Filing Date: 12 May 2004 UNDER

Priority Date: 03 July 2003

Attorney Docket No.: 2043.059US1 37 CFR 1.497(d)

METHOD AND SYSTEM FOR For: MANAGING DATA TRANSACTION

REQUESTS

This decision is in response to applicants' "REQUEST TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.497(d)" filed in the United States Patent and Trademark Office (USPTO) on 29 December 2005.

BACKGROUND

On 12 May 2004, applicants filed international application PCT/US04/14997, which designated the United States and claimed a priority date of 03 July 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 03 February 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 03 January 2006.

On 29 December 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the basic national fee, a declaration of inventors, and the instant "REQUEST TO CORRECT INVENTORSHIP PURSUANT TO 37 PORTFOLIO IP C.F.R. 1.497(d)".

DISCUSSION

JAN 3 0 2006

37 CFR 1.497(d), provides:

RECEIVED

Schwegman Lund (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bi subsequent to the



execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
 - (2) The processing fee set forth in Sec. 1.17(I); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
 - (4) Any new oath or declaration required by paragraph (f) of this section.

Applicants have satisfied item (1).

As to item (2), the processing fee of \$130 has been charged to Deposit Account 19-0743.

As to item (4), a new declaration is not required by 37 CFR 1.497(f) in the instant situation.

Applicants have not satisfied item (3). The written consent of the assignee does not contain documentary evidence of a chain of title from the original owner to the assignee. See MPEP § 324 for a proper showing under 37 CFR 3.73(b).

Declaration of Inventors

The declaration of inventors filed 29 December 2005 is not in compliance with 37 CFR 1.497(a)-(b). There is a difference in names in two of the named inventor between the published international application (Randy Wigginton and Chris Kasten) and the declaration of inventors (Kenneth Randall Wigginton and Christopher J. Kasten, respectively). Because this difference in names is more than a mere typographical error or a phonetic misspelling of each of applicant's legal names, a proper petition under 37 CFR 1.182 is required for each inventor in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of \$400 as well as a statement from the inventor. This statement should set forth that he is a joint inventor of the subject matter of the present application and should set forth the circumstances surrounding the difference in names on the international application and the declaration.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

Facsimile: (571) 273-0459

MAR 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Elena Grossfeld et al.

Title:

METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION REQUESTS

Docket No.:

2043.059US1

Filed:

December 29, 2005

Examiner:

Unknown

Serial No.: 10/562,459

Due Date: March 27, 2006

Group Art Unit: Unknown

MS PCT

Office of PCT Legal Administration

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

X Renewed Petition Under 37 CFR 1.497(d) (2 pgs.).

- X Petition Under 37 CFR 1.182 including authorization to charge Deposit Account 19-0743 in the amount of \$400.00 to cover the Petition fee (2 pgs.).
- X Statement of Kenneth Randall Wigginton (1 pg.).
- X Statement of Christopher J. Kasten (1 pg.).
- X Copy of previously-recorded Assignment from inventors to eBay, Inc. (10 pgs.).
- X Copy of Decision on Petition mailed January 27, 2006 (2 pgs.)
- X Return postcard.

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number 49845

Atty: Mark R. Vatuone

Reg. No. 53,719

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Name

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